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Certificate  
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of Correction

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OFFICE OF PETITIONS

In re Patent No. 6,635,618 :  
Leadbetter et al : DECISION ON REQUEST FOR  
Issue Date: October 21, 2003 : RECONSIDERATION OF  
Application No. 09/847,042 : PATENT TERM ADJUSTMENT  
Filed: May 1, 2001 :  
Attorney Docket No. P-088-R :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED ON ISSUED PATENT (37 C.F.R. § 1.705)," filed October 24, 2003. Patentees request that the patent term adjustment indicated on the patent be corrected from eighty-eight (88) days to one hundred forty-four (144) days.

The request is GRANTED.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of one hundred forty-four (144) days.

On October 21, 2003, the above-identified application matured into U.S. Patent No. 6,635,618. The instant request for reconsideration was timely filed within 30 days of the date the patent issued. See § 1.705(d).

The Patent issued with a revised Patent Term Adjustment of 88 days. Patentees contend that the patent should have issued with a revised PTA of 144 days. Patentees state that pursuant to the Decision on Application for Patent Term Adjustment mailed September 5, 2003, the application is entitled to 107 days of patent term adjustment pursuant to § 1.703(a)(1). Patentees further state that, as shown in PAIR, the application became entitled to an additional period of adjustment of 37 days pursuant to 37 C.F.R. § 1.703(a)(6). Specifically, the issue fee was paid and all outstanding requirements were satisfied on May 14, 2003; however, the patent did not issue until October 21, 2003, which is 37 days after the day that is four months after the date the issue fee was paid.

A review of the application history confirms that patentees characterization of the basis for and amounts of the adjustments and reductions of patent term in this patent are correct.

In view thereof, the patent should have issued with a revised Patent Term Adjustment of one hundred forty-four (144) days.

Patentee's submission of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 CFR 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by 144 days subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to Nancy Johnson, Senior Petitions Attorney, at (703) 305-0309.

*Karin Ferriter  
for*

Karin Ferriter  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

Attachment: Copy of Draft Certificate of Correction